

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

KASHAWN LYONS,

Defendant.

No. 15-cr-60 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

Kashawn Lyons, proceeding *pro se*, moves for a reduction in his sentence pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 821 to the United States Sentencing Guidelines (“U.S.S.G.” or the “Guidelines”), which went into effect on November 1, 2023 and applies retroactively. (*See* Doc. No. 76.) Lyons also requests that the Court appoint counsel to assist him in connection with that motion. (*See id.*) For the reasons set forth below, Lyons’ motion and request are DENIED.

On November 20, 2015, the Court sentenced Lyons to thirty-six months’ imprisonment following his guilty plea to unlawfully possessing a firearm as a felon, in violation of 18 U.S.C. § 922(g)(1). (*See* Doc. No. 36.) The Court also imposed a three-year term of supervised release, which included a mandatory condition that Lyons not commit another federal, state, or local crime. *See id.*; *see also* 18 U.S.C. § 3583(d). Within weeks of his release from federal custody in September 2017, Lyons began dealing narcotics, including fentanyl-laced heroin that resulted in the death of a public school teacher on November 30, 2017. (*See* Doc. No. 69.) In a criminal case assigned to Judge Andrew L. Carter, Lyons was charged with, and later pleaded guilty to, conspiracy to distribute and possess with intent to distribute one kilogram or more of heroin, in violation of 21 U.S.C. §§ 841(b)(1)(A), 846, in connection with that incident. *See* Amended


Judgment, *United States v. Lyons*, No. 18-cr-320-1 (ALC) (S.D.N.Y. Dec. 30, 2019), ECF. No. 83. On November 15, 2019, Judge Carter principally sentenced Lyons to 210 months' imprisonment. *See id.* at 2. Following his guilty plea and sentencing in that case, Lyons admitted to violating the terms of his supervised release by committing a federal crime – *i.e.*, the conspiracy to distribute heroin – in this case. (*See* Doc. No. 70.) On January 31, 2020, the Court sentenced Lyons to twenty-four months' imprisonment, to run consecutive to the undischarged prison term imposed by Judge Carter. (*See* Doc. No. 73.)

In his present motion, Lyons moves to reduce his sentence pursuant to Amendment 821 of the Sentencing Guidelines. But Lyons' motion is clearly meritless, for the simple reason that Amendment 821 and section 3582(c)(2) “do[] not authorize a reduction in the term of imprisonment imposed upon revocation of supervised release.” U.S.S.G. § 1B1.10 cmt. n.8(A). As a result, the Court may not reduce Lyons's twenty-four-month revocation sentence and must DENY his motion. Because Lyons's motion for resentencing is meritless, his request for the appointment of counsel is also DENIED as moot.

The Clerk of Court is respectfully directed to terminate the motions pending at Doc. Nos. 76 and 77, and to mail a copy of this Order to Lyons at the facility where he currently resides.

SO ORDERED.

Dated: August 13, 2025
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation